



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 7677-99

10 March 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 2 April 1992 for four years at age 22. The record reflects that you were advanced to YN3 (E-4) and served without incident until 30 August 1993 when you received nonjudicial punishment (NJP) for an unspecified period of unauthorized absence (UA). Punishment imposed was a suspended reduction in rate to YNSN (E-3). Additionally, the command's recommendation for advancement was withdrawn.

On 8 September 1993 you were counseled regarding your failure to comply with the Navy's dependent care policy. You were warned that failure to take corrective action could result in administrative separation. You received a second NJP on 3 December 1993 for another unspecified period of UA. The previously suspended reduction in rate was vacated and you were awarded 30 days of restriction.

On 15 December 1993 you were honorably discharged by reason of parenthood and assigned an RE-4 reenlistment code. The facts and

circumstances surrounding this discharge are not on file in the record.

Regulations authorize the assignment of an RE-4 reenlistment code to individuals discharged by reason of parenthood and who are not recommended for reenlistment. The Board noted your desire to reenlist and contentions that you had to put your career on hold because you won custody of your two minor children, which rendered you incapable of fulfilling your military duties. However, the Board also noted that you received two NJPs within the last year of service which resulted a reduction in rate. The Board concluded these two NJPs provided sufficient justification to warrant a non-recommendation for reenlistment and assignment of an RE-4 reenlistment code. The Board thus concluded that the assigned reenlistment code was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director